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LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd November, 1957:—

BILL No. 82 OF 1957

A Bill further to amend the Opium Act, 1878 and the Dangerous Drugs Act, 1930.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1 This Act may be called the Opium Laws (Amendment) Act, Short title. 1957.

1 of 1878. 5 2. In the Opium Act, 1878 (hereinafter referred to as the Opium Act), in the definition of "opium" in section 3, for clause (i), the following clause shall be substituted, namely:— Amendment of section 3.

10 " (i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;".

15 3. In section 9 of the Opium Act, for the words "shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both;". the following words shall be substituted, namely:— Amendment of section 9.

"shall, on conviction before a Magistrate, be punishable for each such offence with imprisonment which may extend to three years, with or without fine;".

Amendment
of section 14.

4. In section 14 of the Opium Act, for the words "Any officer of any of the departments of Excise, Police, Customs, Salt, Opium or Revenue superior in rank to a peon or constable, who may in right of his office be authorized by the State Government in this behalf, and", the following words shall be substituted, namely:—

5

"Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,".

Amendment
of section 2.

5. In the Dangerous Drugs Act, 1930 (hereinafter referred to as the Dangerous Drugs Act), in clause (e) of section 2, for sub-clause (i), the following sub-clause shall be substituted, namely:—

10 2 of 1930.

"(i) the capsules of the poppy (*Papaver somniferum* L.), whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;"

15

Amendment
of sections 10,
11, 12, 13,
14 and 15.

6. In sections 10, 11, 12, 13, 14 and 15 of the Dangerous Drugs Act, for the words "shall be punished with imprisonment which may extend to two years, or with fine, or with both", the words "shall be punishable with imprisonment which may extend to three years, with or without fine" shall be substituted.

20

Amendment
of sections 16
and 17.

7. In sections 16 and 17 of the Dangerous Drugs Act, for the words "or to fine, or to both", the words "with or without fine" shall be substituted.

Amendment
of section 23.

8. In sub-section (1) of section 23 of the Dangerous Drugs Act, for the words "Any officer of the department of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable, authorized in this behalf by the State Government," the following words shall be substituted, namely:—

25

"Any officer of the department of Central Excise, Narcotics, Drugs Control, Customs, Revenue, Police or Excise, superior in rank to a peon or constable, authorized in this behalf by the Central Government or the State Government,".

30

Omission of
section 31.

9. Section 31 of the Dangerous Drugs Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Among the substances included in the definition of "opium" in the Opium Act, 1878 (1 of 1878) and in the Dangerous Drugs Act, 1930 (2 of 1930) are capsules of the poppy (*Papaver somniferum* L.). Crushed capsules commonly called poppy husk or "bhuki", whether extracted or not, contain a certain percentage of morphine and are often used as addiction producing intoxicants. The Government has been administering the Acts in the view that capsules included crushed capsules as well; but a recent decision of the Punjab High Court has ruled that the present definition of opium does not cover crushed capsules, that is, poppy husk. The definitions in the two Acts are now sought to be amended so as specifically to cover crushed capsules.

2. Advantage is taken of this opportunity to enhance the punishment for certain offences relating to opium and other narcotic drugs as a measure of precaution against any possible increase in the smuggling of opium for illicit consumption after the 31st March, 1959, when consumption of opium except for medicinal or research purposes is to be completely eliminated. Power is also taken to empower other officers to exercise the powers of search, seizure and arrest under the two Acts.

T. T. KRISHNAMACHARI.

NEW DELHI;
The 13th November, 1957.

BILL NO. 62 OF 1957

A Bill further to amend the Indian Railways Act, 1890.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:

Short title,
extent and
commence-
ment.

1. (i) This Act may be called the Indian Railways (Amendment) Act, 1957.

(ii) It extends to the whole of India.

5

(iii) It shall come into force at once.

Insertion of
new section
99 A.

2. After section 99 of the Indian Railways Act, 1890 (hereinafter referred to as the principal Act), the following new section shall be inserted namely:—

IX of 1890.

“99A. Whoever is guilty of pilfering from consignments on the Railways shall, notwithstanding anything contained in any law for the time being in force and irrespective of the value of article pilfered be punished with imprisonment for a term which may extend to one year and shall also be liable to fine: 10

Provided that if the offence is committed by a Railway employee he shall be punished with imprisonment for a term which may extend to two years and shall also be liable to fine in addition to any other punishment to which he may be liable under the Act.” 15

Amendment
of section
113.

3. After sub-section (3) of section 113 of the principal Act, the following proviso shall be added namely:— 20

“Provided further that if the passenger belongs to Railway service he shall be liable in addition to the penalty provided for

in the foregoing sub-section to imprisonment for one month and fine."

4. After sub-section (2) of section 118 of the principal Act, the following proviso shall be added namely:— Amendment
of section
118.

5 "Provided that it shall be a valid defence for the passenger concerned to prove that he committed the offence as a matter of unavoidable necessity."

5. For the First Schedule of the principal Act, the following shall be substituted, namely:— Amendment
of the First
chedule.

10

"THE FIRST SCHEDULE

(See Section 73)

Limits of responsibility of railway administration for loss, destruction or deterioration of animals when higher value has not been declared in the forwarding note

15 (1)	(2)
<i>Description of animals</i>	<i>Limit of responsibility of railway administration</i>
Elephants	Rs. 2,000 per head.
Horses	Rs. 500 per head.
20 Mules, horned cattle or camels	Rs. 200 per head.
Dogs, donkeys, goats, pigs, sheep or other animals not mentioned above, or birds.	Rs. 40 per head."

STATEMENT OF OBJECTS AND REASONS

In spite of the efforts of the Ministry concerned, pilfering of consignments on the Railways has been steadily increasing. It is, therefore, necessary to provide deterrent punishment therefor specially when a Railway servant is found involved therein.

2. It also appears that over-crowding on the Railways is unavoidable in the present state of affairs in our country. It is, therefore, proper that the offence of travelling on foot-boards of the trains should in certain circumstances be condonable.

3. Further the valuation of an elephant, horse and other animals given in the first schedule to the Indian Railways Act, 1890 does not seem to accord with reality in the country.

The bill is intended to provide for all these.

JHULAN SINHA.

NEW DELHI;

The 30th July, 1957.

BILL No. 76 OF 1957

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 19 . Short title.

5 2. Sections 107, 109 and 110 of the Code of Criminal Procedure, Omission of
V of 1898. 1898 (hereinafter referred to as the principal Act) shall be omitted. sections 107,
109 and 110.

3. After sub-section (3) of section 161 of the principal Act, the Amendment
following new sub-section shall be added, namely:— of section
161.

10 “(4) A copy of the police diary, the informations recorded
under sections 154 and 155 of this Act and the statements recorded under sub-section (3) of section, shall be sent to the District Judge having jurisdiction over the area, within 24 hours of any entry being made in the police diary or any information or statement being recorded, excluding the time taken
15 for the despatch of the said documents from the police station to the District Judge.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to delete sections 107, 109 and 110 of the Code of Criminal Procedure as they constitute an encroachment on the freedom of the individual without his having committed any offence.

2. The Bill also seeks to avoid false entries in police diaries and first information reports and falsification of statements made before the police. By amending section 161, it is provided that a copy of all entries in the police diary and all statements and informations recorded are to be sent to the District Judge every day.

NEW DELHI;
The 7th September, 1957.

JAGDISH AWASTHI.

BILL No. 78 of 1957

A Bill further to amend the Code of Criminal Procedure, 1898.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 19 . Short title.

V of 1898. 5 2. Section 144 of the Code of Criminal Procedure, 1898 shall be Omission of section 144.
omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to delete section 144 of the Code of Criminal Procedure as it restricts the right of freedom of assembly and the right of freedom of speech.

This provision essential arms the Executive with power to be used only in an emergency such as in epidemics etc. but the Government resorts to it in normal times for political purposes which has resulted in its gross abuse.

JAGDISH AWASTHI.

NEW DELHI;

The 7th September, 1957.

BILL NO. 72 OF 1957

A Bill to make provision for employment and training for employment and to establish a comprehensive youth employment service.

WHEREAS it is expedient to make provision relating to employment and training for employment and to provide for the establishment of a comprehensive Youth Employment Service and for purposes connected therewith;

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Training and Employment Act, 1957 .

Short
title,
extent
and
commen-
cement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

2. Subject to the provisions of this Act, it shall be the duty of the 10 Ministries of Labour and Employment and Education and Scientific Research of the Central Government—

Provi-
sion for
facilities
for em-
ployment
of per-
sons.

(i) to provide such facilities and service as may be considered expedient for the purpose of assisting persons to select, to fit themselves for and to obtain and retain, employment suitable 15 to their age and capacity;

- (ii) to assist employers to obtain suitable employees; and
- (iii) generally to promote employment in accordance with the requirements of the community so as to attain thereby a higher standard of living for the whole community.

Appoint-
ment of
Advisory
Com-
mittees.

3. (1) The Ministries concerned may, for the purpose of advising and assisting them in the discharge of their functions, appoint such separate or joint advisory committees as they may think fit for the whole of India or any part thereof. 5

(2) The Ministries of Labour and Employment and Education and Scientific Research shall make regulations with respect to the constitution and functions of any of the advisory committees appointed under sub-section (1). 10

Establish-
ment of
Employ-
ment Ex-
changes.

4. (1) The Ministry of Labour and Employment may establish and maintain in such places as it thinks fit Employment Exchanges, that is to say offices or places for the collection and furnishing of information either by the keeping of registers or otherwise in respect of persons who seek to engage employees and persons who seek employment. 15

(2) Without prejudice to sub-section (1), the Ministries may make such arrangements which they deem expedient for the collection and furnishing of information for providing advice, guidance and other services to persons of any class (whether employed or not) for any of the purposes mentioned in section 2 of this Act. 20

Provision
of Funds.

5. The Minister or Ministers concerned may provide in the annual budget such sums of money as may be needed for the fulfilment of the purposes of this Act. 25

Contri-
bution
towards
the ex-
penditure
incurred
by pri-
vate
bodies or
any
local
authority.

6. The Minister or Ministers may defray or contribute towards the expenditure incurred by any organization, society or State, or any other local authority whatsoever, towards their funds provided the Ministries are convinced that these contributions shall be spent for the purposes mentioned in section 2 of this Act. 30

Manage-
ment
of Em-
ployment
Ex-
changes.

7. The Ministers may make regulations with respect to the management of all Employment Exchanges provided by them under this Act and otherwise with respect to the exercise of their functions thereunder. 35

Right
of per-
sons to
refuse
employ-

8. No person shall be disqualified or otherwise prejudiced in respect of facilities provided at any Employment Exchange on account of his refusal to accept employment found for him through an

Employment Exchange if the ground of his refusal is that a trade dispute which affects the trade exists or that the wages offered are lower than those current in the trade in the district where the employment is found.

ment
found
through
any Em-
ployment
Ex-
change.

- 5 9. The Minister or Ministers may provide such training courses for persons whether employed or not and who are above the age of compulsion, as he or they thinks or think necessary or expedient for increasing the efficiency, knowledge, technical skill or capacity of such persons. Either of the Ministers may, by order in writing,
10 compel any child or young person declared to be destitute, delinquent or uncared for under any law for the time being in force to join any training course for such length of time as may be indicated, for the purpose either for getting trained or for any other purpose.

Pro-
vision
for
Com-
pulsory
Training
Courses.

10. It shall be the duty of the Government to maintain in
15 detail a register of all persons who are seeking employment and the figures of persons employed shall be published in the Official Gazette at least once in two weeks at regular intervals.

Main-
tenance
of Regis-
ter of
persons
seeking
employ-
ment
and pub-
lication
of
figures
of per-
sons em-
ployed.

11. Any scheme of training or employment may be worked
through, or in co-operation with, any State Government or local
20 authority or a recognized private organization.

Imple-
menta-
tion of
schemes
of train-
ing in
coopera-
tion
with
local
authori-
ties or
private
bodies.

STATEMENT OF OBJECTS AND REASONS

Although Employment Exchanges have come into being as a result of the war and they have since been continued, there remains much to be done in giving them a proper shape and status in the social and economic life of the country. In the second place, there is a great need of increased facilities of training in the various arts, crafts and industries. Although the Ministry of Labour and Employment is attending to this, there is lack of co-ordination between this Ministry and Ministry of Education and Scientific Research. In fact the Ministry of Education and Scientific Research appears to have nothing to do with this matter. The Bill, therefore, seeks to remedy this unsatisfactory state of affairs. The third object in view is to place greater emphasis on this important work and to arouse governmental as well as popular interest.

DIWAN CHAND SHARMA.

NEW DELHI;
The 27th August, 1957.

FINANCIAL MEMORANDUM

What is contemplated by this Bill is to provide for employment and training for employment and to establish a comprehensive youth employment service in the country. This may of course require certain funds to meet such requirements as are envisaged by clauses 4, 5 and 6 of the Bill. This may be brought about by a proper and mutual adjustment and allocation of sums in the respective Budget heads of the Ministries of Labour and Employment and Education and Scientific Research without over-burdening the Consolidated Fund of India, as the Central Government is already providing huge sums for the maintenance of the Employment Exchanges. To meet a few small requirements in the shape of a few thousand rupees will in no way create recurring expenditure over and above the existing expenditure on the Employment Exchanges and the like.

BILL No. 75 OF 1957

A Bill further to amend the All India Institute of Medical Sciences Act, 1956.

BE it enacted by Parliament in the Eighth year of the Republic of India as follows:—

1. This Act may be called the All India Institute of Medical Sciences (Amendment) Act, 19

XXV of
1956.

5 2. In section 4 of the All India Institute of Medical Sciences Act, 1956 (hereinafter referred to as the principal Act) Amendment
of Section 4.

(1) In clause (d),

(a) for the word "two" the word "three" shall be substituted; and

10

(b) after the words "Ministry of Education", the words "and one from the Ministry of Health" shall be added.

(ii) for clause (e) the following shall be substituted, namely:—

15

"(e) one person who shall be a non-medical Scientist representing the Indian Science Congress Association to be nominated by the Central Government in the manner prescribed by rules."

(iii) for clause (f) the following shall be substituted, namely:—

“(f) Nine representatives of the medical faculties of Indian Universities to be nominated by the Central Government in the manner prescribed by rules, two of whom shall be the representatives from the staff of the Institute.” 5

3. In sub-section (1) of section 28 of the principal Act after the words “make rules” the words “within one and a half year after coming into force of this Act” shall be inserted.

Amendment
of section
28

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to alter the membership of the All India Institute of Medical Sciences Act, 1956, so as to make it more representative and democratic.

The Bill also seeks to avoid any delay on the part of the Central Government in framing the Rules under section 28 of the All India Institute of Medical Sciences Act, 1956.

In order to achieve the above objects the Bill seeks to amend sections 4 and 28 of the All India Institute of Medical Sciences Act, 1956.

NEW DELHI;

K. ATCHAMAMBA.

The 10th September, 1957.

M. N. KAUL,

Secretary.